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November 21, 2023

Via ECF

Hon. Jessica G. L. Clarke
United States District Judge
United States District Court
Southern District of New York

MEMO ENDORSED

Re: Nereo et al v. Shleppers Holdings, LLC et al
Case No: 22-cv-9505(JGK)

Dear Judge Clarke:

I represent the Plaintiffs in the above referenced matter and write to request a premotion conference in preparation for Plaintiffs' motion to compel discovery. As described herein, Defendant Shleppers Holdings, LLC ("Shleppers") has been unwilling to cooperate in conducting discovery and, at this point, Plaintiffs believe Court intervention is necessary. This is the second (2nd) time I have had to write the Court to request Defendant Shleppers be compelled to engage in discovery, the first letter having been filed on September 1, 2023. Dkt No. 51.

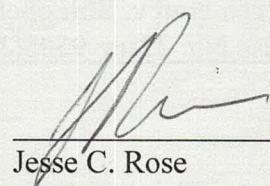
On September 19, 2023, Defendant Shleppers produced Raz Itzhaki as their Rule 30(b)(6) witness. Approximately two hours (2:00) into the deposition I had a personal emergency which required my immediate and complete attention. Defendant Shleppers and their counsel were gracious in agreeing to permit the deposition to be adjourned. Plaintiffs' depositions were taken the following week and completed. On October 19, 2023, the parties requested an extension of discovery to complete the deposition and post-deposition discovery. Dkt No. 56. The Court granted the request on October 20, 2023 and entered a new case management plan requiring discovery to be complete on or before November 22, 2023. Dkt Nos. 57-59.

On October 18, 2023, Plaintiffs served Defendant Shleppers with supplemental demands based on documents identified by their witness during the first two (2) hours of deposition. Plaintiffs also requested dates for deposition. That same day I provided the first portion of the transcript to Defendant Shleppers' counsel, upon their request, and asked that they provide Plaintiffs' depositions transcripts, which had also been requested on the record. Defendant Shleppers' counsel stated this would happen shortly and that dates would be provided the following day. I followed up with Defendant Shleppers' counsel for dates on October 24, 26, 27, November 1 and 15th. On November 15th, I informed Defendant Shleppers' counsel that if dates were not provided I would be writing the Court.

To date, Defendant Shleppers has failed to respond to the demands sent on October 18th, they have not produced a witness for the continued deposition to which they agreed, and they have failed to provide deposition transcripts for Plaintiffs which were requested for review on the record. Plaintiffs ask that the Court compel Defendant Shleppers to appear for the continuation of their deposition. Further, as Defendants have failed to provide responses to discovery demands and provide the transcripts, Plaintiffs ask that Defendants be compelled to do so.

Thank You for Your Honor's time and attention to this matter.

Respectfully submitted,

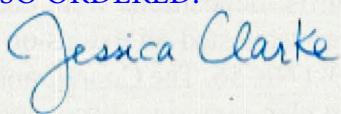


Jesse C. Rose

CC: Edward M. Fogarty, Esq. (via ECF)
Attorney for Defendants Shleppers Holdings, LLC

Defendant Shleppers Holdings, LLC is ORDERED to file a letter in response no later than **November 27, 2023**.

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: November 22, 2023
New York, New York